

Application Number 10/603,237
Amendment Date 5/18/2005
Reply to Office action of 03/25/2005

REMARKS / ARGUMENTS

Claims 1-5, 9-16 and 18-19 have been cancelled. Claims 6-8, 17 and 20 remain in the application.

Reexamination and reconsideration of the application, as amended, are requested.

Claims 9 and 18 stand objected to as being of improper dependent form.

Claims 9 and 18 have been cancelled.

Claims 6-9, 17-18 and 20 stand rejected under 35 USC 103(a), as being unpatentable over Skovhoj (US Pat. No. 4,663,920) in view of Stout (US Pat. No. 5,477,665) and Meehleder (5,040,360).

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Skovhoj '920 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of servo in the manner suggested would change the principle of operation of the above stated reference in the following way. The Skovhoj '920 reference teaches all of these movements are performed manually by manipulation of handles 230, Col. 5, lines 47-49. The instant invention claims a servo to affect this movement. Additionally, Skovhoj '920 does not teach the line feed switch of the instant invention, the trimmer power switch of the instant invention or the servo raise lower switch of the instant invention.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Stout '665 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of servo in the manner suggested would change the principle of operation of the

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above stated reference in the following way. The Stout '665 reference teaches that the depending end of the strut shaft 38 substantially defines a hemispherical surface 40 contacting the surface of the earth 26, Col. 3, lines 13-15. The instant invention claims a servo connectable to a lawn mower deck.

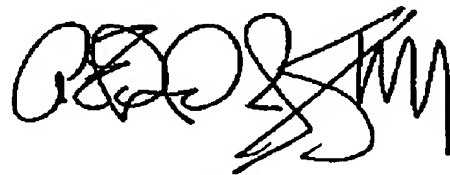
The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of the servo in the manner suggested would not allow the prior art to work in the following way. The Meehleder '360 reference teaches that it is considered advantageous to raise it to an inoperative position in which it is automatically disengaged from the source of power, Col. 3, lines 38-41. The Meeleder '360 reference teaches that the drive belt must not leave the pulleys 31 and 33, but must slacken only sufficiently so that no drive is transmitted to the belt by the pulley 33, Col. 3, lines 65-69. The instant invention claims a servo, the instant invention does not utilize a drive belt, that can be disengaged from the power source and is thus would render the prior art unsatisfactory for its intended purpose.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Meeleder '360 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of servo in the manner suggested would change the principle of operation of the above stated reference in the following way. The Meehleder '360 reference teaches that it is considered advantageous to raise it to an inoperative position in which it is automatically disengaged from the source of power, Col. 3, lines 38-41. The Meehleder '360 reference teaches that the drive belt must not leave the pulleys 31 and 33, but must slacken only sufficiently so that no drive is transmitted to the belt by the pulley 33, Col. 3, lines 65-69.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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Date: May 18, 2005

Certificate of Facsimile

I hereby certify that this correspondence is being transmitted by fax to the United States Patent and Trademark Office on the date shown below.

Anthony Edw. J Campbell



Wednesday, May 18, 2005